

**REMARKS**

Claims 3, 6, 7, 10-12, 14, 16-26, 31, 32, 35, 36, 38-45, 50, 53, 54, and 56-63 are pending after entry of this paper. Applicants acknowledge that the restriction requirement mailed on February 12, 2008 has been vacated and claims 1-69 were considered on the merits. Claims 1-69 have been rejected. Claims 1, 2, 4, 5, 8, 9, 13, 15, 27-30, 33, 34, 37, 46-49, 51, 52, 55, and 64-69 have been cancelled without prejudice. Applicants reserve the right to pursue cancelled claims in a divisional or continuing application.

Applicants wish to thank the Examiner for taking the time to discuss the pending claims on November 14, 20, & 21, 2008. In order to expedite prosecution and without disclaimer of, or prejudice to, the subject matter recited therein, applicants have amended claims 3, 6, 7, 11, 19, 23, 32, 35, 36, 40, 42, 50, 53, 54, 58, and 60 as discussed and agreed with the Examiner to make the presently pending claims allowable.

Claims 3, 6, 32, 35, 50, and 53 have been amended to replace the transitional phrase “comprising” with the transitional phrase “consisting of.”

Claims 7, 11, 36, and 54 have been amended to replace the indefinite article “an” with the definite article “the.”

Claims 23, 42, and 60 have been amended to add a wherein clause “wherein the nonpeptide compound is an antibiotic, a fluorescein, a rhodamine, polystyrene, polypropylene, polyethylene, a glass bead, a silicagel, a polysaccharide, a polysaccharide delivative, or a polyalkylene glycol.” Support may be found throughout the instant specification and the claims as originally filed, for instance, at paragraph [0072] of the published specification.

Claims 19, 40, 58 have been amended to add a wherein clause “wherein the functional protein is ferritin.” Support may be found throughout the instant specification and the claims as originally filed, for instance, Example 13 of the published specification.

No new matter has been introduced by these amendments. Applicants believe that in view of this paper and claim amendments presented herein, the application is in condition for allowance.

#### Substitute Sequence Listing

The Examiner noted during the telephone conversation on November 14, 20, & 21, 2008 that SEQ ID NO: 3 and SEQ ID NO: 6 are allegedly identical. The Examiner requested a substitute sequence listing correcting the error presented in SEQ ID NO: 6.

Applicants submit herewith a Substitute Sequence Listing comprising 56 sequences on both the paper copy and CRF. Specifically, enclosed herewith are the following: (1) a Computer Readable Format containing the Substitute Sequence Listing for the above-identified patent application (in text format); (2) a paper copy of the Substitute Sequence Listing (in PDF format); and (3) a Statement Under 37 C.F.R. §1.825(b) indicating that the paper copy is identical to the substitute computer-readable copy of the Sequence Listing.

Applicants respectfully assert that SEQ ID NO: 6 as originally filed had a clerical error because the 3rd amino acid of SEQ ID NO: 6, *i.e.*, “Leu,” was meant to be “Ala.” In essence, SEQ ID NOs: 4-14 are derived from a single amino acid substitution to SEQ ID NO: 3. For instance, the substitution of the 1<sup>st</sup> amino acid of SEQ ID NO: 3 with Alanine produces SEQ ID NO: 4, substitution of the 2<sup>nd</sup> amino acid of SEQ ID NO: 3 with Alanine produces SEQ ID NO: 5, and so on. Support for this amendment to the sequence listing can be found in paragraph

[0058] of the published specification. No new matter is introduced by the Substitute Sequence Listing, which presents 56 sequences.

### **CONCLUSION**

Based on the foregoing amendments and remarks, the applicants respectfully request reconsideration and withdrawal of the pending rejections and allowance of this application. The applicants respectfully submit that the instant application is in condition for allowance. Entry of the amendment and an action passing this case to issue is therefore respectfully requested. In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided. Favorable action by the Examiner is earnestly solicited.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 0708-4063US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 0708-4063US2.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 25, 2008

By: \_\_\_\_\_



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